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Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 OES-06 CIAE-00 DODE-00 PM-04

H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 EB-07 COME-00 TRSE-00 DLOS-06 SAL-01 INT-05

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DRAFTED BY L:MBFELDMAN:LHS
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R 152343Z JUL 76
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO

C O N F I D E N T I A L STATE 176002

E.O. 11652: GDS

TAGS: PLOS, EFIS, MX

SUBJECT: MEXICAN RESPONSE TO DIPLOMATIC NOTE RE: U.S. POSITION ON MEXICAN 200 "ECONOMIC ZONE"

REFS: (A) MEXICO 8607; (B) STATE 125360

1. DEPARTMENT WILL WANT TO STUDY CAREFULLY TEXT OF GOM NOTE BEFORE DECIDING WHETHER ANY COMMENT IS NECESSARY CONCERNING THE BASIC LOS ISSUES ON WHICH MEXICO AND U.S. DISAGREE. WE ARE CONCERNED, HOWEVER, AT APPARENT MEX MISREADING OF U.S. POSITION ON BOUNDARY NEGOTIATION. FYI. FOR EMBASSY'S BACKGROUND, OUR VIEW OF SITUATION IS THAT U.S. AND MEXICO DELS INITIATED CONSULTATIONS CONCERNING POSSIBLE MARITIME BOUNDARIES PRIOR TO ENACTMENT OF U.S. 200-MILE BILL. AS USG HAD NO LEGAL BASIS TO NEGOTIATE BOUNDARIES AT THAT TIME, IT WAS CLEARLY UNDERSTOOD THAT
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THIS MEETING CONSTITUTED CONSULTATIONS RATHER THAN-

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NEGOTIATIONS." INASMUCH AS THE DISCUSSION REVEALED FUNDAMENTAL ACCORD BETWEEN THE TWO SIDES ON THE APPROACH TO BOUNDARY PROBLEM, IT WAS AGREED THAT TECHNICAL

DISCUSSIONS WOULD CONTINUE INFORMALLY TO ESTABLISH COMMON DATA PENDING USG DECISION THAT IT WAS IN A POSITION TO NEGOTIATE. TECHNICAL TEAMS DID AGREE ON JOINT RECOMMENDATIONS TO GOVERNMENTS. WHEN, AFTER ENACTMENT OF 200-MILE BILL, USG OBTAINED AUTHORITY TO NEGOTIATE, DEPUTY LEGAL ADVISER FELDMAN ADVISED AMB. CASTANEDA BY PHONE THAT USG WAS READY TO PROCEED WITH NEGOTIATION ON THE BASIS DISCUSSED BY TECHNICAL TEAMS SUBJECT TO CONGRESSIONAL CONSULTATIONS. AT THE SAME TIME, FELDMAN TOLD CASTANEDA THAT U.S. WOULD SEND A NOTE PUTTING ON RECORD ITS LEGAL CONCERNS WITH MEXICAN ECONOMIC ZONE IN ADVANCE OF FORMAL BOUNDARY AND FISHERIES NEGOTIATIONS. THUS, PURPOSE OF U.S. NOTE (REF. B) WAS TO MAKE U.S. LEGAL POINTS A MATTER OF RECORD AND TO FORMALLY SIGNIFY U.S. READINESS TO NEGOTIATE (1) A BOUNDARY TREATY AND (2) PROVISIONAL ARRANGEMENTS PENDING CONCLUSION OF SUCH A TREATY. EACH SIDE HAS INDICATED TO THE OTHER IT IS PREPARING A DRAFT EXCHANGE OF NOTES FOR INTERIM BOUNDARY ARRANGEMENTS BUT NEITHER SIDE HAS TAKEN THIS STEP.

2. WE HAVE NOT TAKEN FURTHER INITIATIVE TO ADVANCE BOUNDARY TALKS PENDING CLARIFICATION OF U.S. AND GOM POSITIONS ON FISHERIES ISSUES. CONGRESSIONAL CONSULTATIONS ON THE BOUNDARY ISSUE HAVE GONE SMOOTHLY AND WE ARE INTERESTED IN PURSUING THE BOUNDARY MATTER ON THE BASIS DISCUSSED WITH GOM AT AN APPROPRIATE TIME. IN THE MEAN-TIME, THE GOM HAS UNILATERALLY ESTABLISHED BOUNDARIES FOR ITS ECONOMIC ZONE WHICH CONFORM GENERALLY, BUT NOT PRECISELY, WITH U.S.-MEXICAN DISCUSSIONS. THIS ACTION DOES NOT OBVIATE NEED FOR BOUNDARY TREATY AND THERE ARE STRONG ADVANTAGES IN OBTAINING FORMAL MEXICAN COMMITMENT TO INTERIM ARRANGEMENT, BUT WE ARE CONSIDERING DEFERRING EXCHANGE OF NOTES ON BOUNDARY FOR A FEW MONTHS TO AVOID POSSIBLE NEGATIVE IMPACTS ON OUR MARITIME BOUNDARY NEGOTIATIONS WITH CANADA. HOWEVER, WE WILL WANT TO WATCH MEXICAN ATTITUDES VERY CAREFULLY TO AVOID ANY SLIPPAGE
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IN MEXICAN COMMITMENT TO THESE BOUNDARY LINES. WE ALSO WISH TO AVOID ANY UNNECESSARY IRRITATION IN U.S.-MEXICAN RELATIONS ARISING FROM SUSPICIONS CONCERNING U.S. INTENTIONS RE BOUNDARIES. END FYI.

3. ACCORDINGLY, YOU SHOULD TAKE THE OPPORTUNITY OF INFORMAL CONTACTS WITH APPROPRIATE MEXICAN OFFICIALS, PARTICULARLY CASTANEDA AND ROZENTAL, TO ASSURE GOM

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THAT U.S. IS SATISFIED WITH NEW YORK TECHNICAL DISCUSSIONS ON THE BOUNDARY, AND THAT PURPOSE OF OUR NOTE WAS TO INDICATE READINESS TO OPEN FORMAL NEGOTIATIONS ON A BOUNDARY TREATY, AND INTERIM ARRANGEMENTS WHICH WOULD BE BASED ON THOSE DISCUSSIONS. WE NOTE THAT GOM HAS ACTED UNILATERALLY TO ESTABLISH THE LIMITS OF ITS 200-MILE ZONE BY DECREE WHICH CONTEMPLATES INTERNATIONAL NEGOTIATION CONCERNING ANY OVERLAP OF BOUNDARIES. (THE LINES ESTABLISHED BY THIS DECREE ARE SLIGHTLY AT VARIANCE AT CERTAIN POINTS WITH LINES DELINEATED IN NEW YORK.) THE U.S. IN DUE COURSE WILL ESTABLISH ITS OWN LINES BUT STILL BELIEVES BOUNDARY TREATY AND INTERIM ARRANGEMENTS WILL BE NECESSARY. WE WILL BE IN FURTHER TOUCH WITH THE GOM IN DUE COURSE CONCERNING TIMING AND PROCEDURES FOR HANDLING THE BOUNDARY.

4. WE EXPLAINED THE FOREGOING TO AMB. GONZALES DE LEON TODAY, HE SEEMED TO UNDERSTAND, AND HE LEFT US A MAP SHOWING THE LINES DRAWN BY MEXICO. KISSINGER

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